

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

DORIS RAUB	§	
V.	§	Civil Action No. 7:11-CV-032
MATRIXX INITIATIVES, INC., a Delaware Corporation, f/k/a Gumtech International, Inc. and ZICAM, L.L.C. f/k/a Gel Tech, LLC an Arizona Limited Liability Corporation	§	DEFENDANTS' REQUEST FOR AN ORDER GRANTING DEFENDANTS' UNOPPOSED MOTION TO EXCLUDE TESTIMONY OF STEVEN PIKE, M.D.

Defendants Matrixx Initiatives, Inc. and Zicam LLC hereby request that this Court enter an order granting Defendants' Unopposed Motion to Exclude Testimony of Steven Pike, M.D. On July 19, 2012, Defendants filed a Motion to Exclude Testimony of Steven Pike, M.D., Plaintiff Doris Raub's causation expert. (Doc #31) Defendants' Motion requested that Dr. Pike's testimony be excluded because his opinions do not meet the standards set forth in Federal Rule of Evidence 702.

Per Civil Local Rule 7.1(e), Plaintiff's opposition should have been filed and served no later than August 9, 2012. To date, no opposition has been filed or received by defense counsel. Plaintiff's counsel has not contacted counsel for Defendants to request additional time or to explain the delay. Due to Plaintiff's failure to oppose, Defendants respectfully request that this Court enter an order granting Defendants' Unopposed Motion to Exclude Testimony of Steven Pike, M.D.

Respectfully submitted,

JOHNSON TRENT WEST & TAYLOR, LLP

By: /s/ Kealy C. Sehic

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Request for Order Granting Defendants' Unopposed Motion to Exclude Testimony of Steven Pike, M.D. has been forwarded to all counsel of record via the Court's electronic filing system and/or by placing same in the U.S. Mail, postage prepaid and properly addressed on this 20th day of August, 2012.

By: /s/ Kealy C. Sehic
Kealy C. Sehic